

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. 17cv8558

EMA FINANCIAL, LLC,

v.  
**Plaintiff,**

**PETRONE WORLDWIDE, INC. and  
PETRONE FOOD WORK, INC.,**

**[PROPOSED] DEFAULT JUDGMENT**

**Defendants.**

Plaintiff EMA Financial, LLC (“**EMA**”) commenced this action on November 6, 2017, by filing a summons and complaint (the “**Complaint**”). *See* Docket Entry (“**D.E.**”) 1. A copy of the Complaint was served on Defendant Petrone Food Work, Inc. (“**Petrone**”) at 2200 North Commerce Parkway, Suite 200, Weston, Florida 33326. On November 22, 2017, at approximately 11:30 am, Robin Lucas, a process server duly authorized to serve legal process, served Defendant Petrone by serving an agent at Defendant Petrone’s principal place of business. *See* D.E. 51.

On or about December 12, 2017, Defendant Petrone’s counsel served EMA with an Answer on behalf of both Defendant Petrone Worldwide, Inc. (“**Petrone Worldwide**”) and Defendant Petrone. *See* D.E. 12. On February 6, 2018, Defendant Petrone Worldwide and Defendant Petrone filed their First Amended Answer (D.E. 20). On July 27, 2018, Defendant Petrone Worldwide filed for Chapter 7 bankruptcy in the U.S. Bankruptcy Court for the Southern

District of Florida. On or about July 31, 2018, Defendant Petrone Worldwide filed a Suggestion of Bankruptcy (D.E. 34) staying this action as to Defendant Petrone Worldwide.

On September 4, 2018, Defendant Petrone's counsel moved this Court to withdraw as counsel ("Motion to Withdraw") for Defendant Petrone. *See* D.E. 39, 39-1, 39-2. On September 13, 2018, during a scheduled status conference, this Court granted Defendant Petrone's Motion to Withdraw and stayed this matter for six (6) months. *See* D. E. 40, 41. On October 21, 2020, this Court entered an order lifting the stay as to Defendant Petrone Worldwide and dismissing EMA's claims against Defendant Petrone Worldwide. *See* D.E. 50. However, Defendant Petrone remains a party to this action as a guarantor under the Note, and has failed to retain new counsel and defend the action. Therefore, it is

ORDERED, ADJUDGED AND DECREED: That Plaintiff EMA have judgment against Defendant Petrone in the amount of \$100,000.00 with interest at 10% from June 22, 2017, through October 24, 2017, amounting to \$3,424.66 and default sum factor multiplier (200%), default interest at 24% from October 25, 2017, through January 6, 2021, amounting to \$159,132.29 plus attorneys' fees, costs, and disbursements of this action in the amount of \$25,195.60 amounting in total to \$391,177.21.

**DATED:** January 26, 2021  
New York, New York



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United States District Judge  
Hon. Judge Paul G. Gardephe